

In re Application of:
Brandon L. Hudgeons et al.

Serial No.: 10/516,724

Filed: December 2, 2004

Title: INTERACTIVE MULTI-MEDIA SYSTEM

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By the Examiner:

International Serial No.: PCT/US03/13745

International Filing Date: May 1, 2003
Priority Date: May 1, 2002

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Type or Print Name Martha Roche

Martha Roche

Signature

Dear Sir or Madame:

TRANSMITTAL LETTER

Transmitted herewith for filing in the above referenced matter are the following items:

1. Renewed Petition Under 37 CFR 1.137(b) (1pp);
2. Copy of Decision on Petition for Revival Under 37 CFR 1.137(b) dated May 22, 2008 (2 pp);
3. Original fully executed Declaration and Power of Attorney (4pp); and
4. Confirmation postcard. Please file mark stamp and return.

No fee is due. However if Applicant is in error, the Commissioner is hereby authorized to charge the fees associated with this communication to Galasso & Associates Deposit Account No. 50-3446 under attorney document no. 1590.00002.

Respectfully submitted,

By:

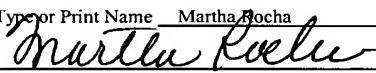
Raymond M. Galasso
Reg. No. 37,832

GALASSO & ASSOCIATES, LP
P.O. Box 26503
AUSTIN, TEXAS 78755-0503
TELEPHONE: (512) 306-8533
FACSIMILE: (512) 306-8559

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : By the Examiner: Not yet assigned
 Brandon L. Hudgeons et al. :
 :
 Serial No.: 10/516,724 : International Serial No.: PCT/US03/13745
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Mail Stop PCT Commissioner for Patents Office of PCT Legal Administration P.O. Box 1450 Alexandria, Virginia 22313-1450	
Type or Print Name	Martha Rocha
	
Signature	

Dear Sir or Madam:

RENEWED PETITION UNDER 37 CFR 1.137(b)

In response to the Decision On Petition under 37 CFR 1.137(b) mailed May 22, 2008 for the above-identified application Applicant submits this Renewed Petition for reconsideration.

Applicant submits a complete, acceptable declaration executed by each inventor of record.

Applicant has satisfied all other items. Applicant believes the relevant document is now in order and is in compliance with 37 CFR 1.497. Applicant respectfully requests that the Office accept the Renewed Petition.

No additional Petition fee is required. However, if Applicant is in error, the Commissioner is hereby authorized to charge the fees associated with this communication to Galasso & Associates Deposit Account No. 50-3446 under reference no. 1590.00002.

Respectfully submitted,

By:


 Raymond M. Galasso
 Reg. No. 37,832

GALASSO & ASSOCIATES, LP
 P.O. Box 26503
 AUSTIN, TEXAS 78755-0503
 TELEPHONE: (512) 306-8533
 FACSIMILE: (512) 306-8559



22 MAY 2008

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Alexandria, VA 22313-1450

Raymond M Galasso
Simon Galasso & Frantz
P O Box 26503
Austin TX 78755-0503

In re Application of:
HUDGEONS, Brandon, et al.
U.S. Application No.: 10/516,724
Int'l Application No: PCT/US03/13745
Int'l Filing Date: 01 May 2003
Priority Date: 01 May 2002
Atty Docket No.: 1590.00002
For: INTERACTIVE MULTI-MEDIA
SYSTEM

DOC
Date:
By:

DECISION ON PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b), filed 27 March 2008. Applicants have paid the required petition fee.

BACKGROUND

On 08 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 was required. The Notification set forth an extendable two-month response period, and indicated that the failure to file a timely response would result in abandonment.

Applicants did not file a response to the Notification Of Missing Requirements during the extendable response period. Accordingly, the present application became abandoned at midnight on 08 May 2006.

On 14 November 2007, the DO/EO/US mailed a "Notification Of Abandonment" (Form DO/EO/909) confirming the abandonment of the present application.

On 27 March 2008, applicants filed the petition for revival under 37 CFR 1.137(b) considered herein.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law;

(3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c). The present petition fails to satisfy item (1).

With respect to item (1), the "required reply" here is a proper response to the Notification Of Missing Requirements mailed 08 March 2006, that is, an oath or declaration acceptable under 37 CFR 1.497. Applicants' present petition includes an executed declaration document. However, the declaration is not acceptable in that it appears to be a compilation of multiple documents. See MPEP section 201.03(II)(B): "Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration." The compilation is evident from the fact that the six-page declaration includes one copy each of page 1, 2, and 4, but three different copies of page 3 (each of these copies has been executed by a different inventor, and the copy of page 3 executed by inventor Marcus SHAFTEL lists different inventors than the other two copies of page 3). Applicants must provide complete copies of acceptable declarations executed by each of the inventors. Until such materials are provided, the "required reply" has not been submitted.

CONCLUSION

Applicants' petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any request for reconsideration should be entitled "Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete the "required reply," that is, complete declarations executed by each of the inventors of record, in compliance with 37 CFR 1.497.

No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459